

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| In re: | : | |
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| Christine L Lang | : | Case No.: 17-50714 |
| | : | Chapter 7 |
| Debtor(s). | : | Judge Charles M Caldwell |
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**MOTION OF FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE
MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF
THE UNITED STATES OF AMERICA FOR RELIEF FROM STAY ON FIRST
MORTGAGE FOR REAL PROPERTY LOCATED AT 219 PARK STREET,
LANCASTER, OH 43130**

Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America (the "Creditor"), by and through its mortgage servicing agent Seterus, Inc., fka IBM Lender Business Process Services, Inc., moves this Court, under §§ 361, 362, 363 and other sections of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001 and other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy Code. In support of this Motion, the Creditor states:

MEMORANDUM IN SUPPORT

1. The Court has jurisdiction over this matter under 28 U.S.C. § 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.

2. On July 21, 2011, Christine L Lang ("Debtor") obtained a loan from American Mortgage Service Company dba Concord Mortgage Group in the amount of \$93,900.00. Such loan was evidenced by a Promissory Note dated July 21, 2011 (the "Note"), a copy of which is attached as Exhibit A.
3. To secure payment of the Note and performance of the other terms contained in it, the Debtor executed a Mortgage dated July 21, 2011 (the "Mortgage"). The Mortgage granted a lien on the real and/or personal property (the "Property") owned by Debtor, located at 219 Park Street, Lancaster, OH 43130 and more fully described in the Mortgage. Christine L. Lang acquired title to the Property by virtue of a deed from M. David Nichols and Barbara Nichols, Husband and Wife, dated December 24, 2007, filed December 28, 2007, recorded at Official Instrument Number 200700026882, Recorder's Office, Fairfield County, OH. A copy of said Deed is attached as Exhibit B. Christine L Lang ("Debtor") filed Chapter 7 Bankruptcy on February 9, 2017.
4. The lien created by the Mortgage was duly perfected by the filing of the Mortgage in the office of the Fairfield County Recorder on July 27, 2011. A copy of the Mortgage is attached as Exhibit C. The lien is the first lien on the property.
5. The Note was transferred as follows:
 - a. from American Mortgage Service Company, dba Concord Mortgage Group to JP Morgan Chase Bank, N.A.. The transfer is evidenced by the allonge attached to this Motion as Exhibit A.
 - b. from JPMorgan Chase Bank, N.A. to _____. The transfer is evidenced by the indorsement attached to this Motion as Exhibit A. **Because the endorsement is in blank and Creditor is in possession of the original Note, Creditor is entitled to enforce the instrument.**
6. The Mortgage was transferred as follows:
 - a. from Mortgage Electronic Registration Systems, Inc. as nominee for American Mortgage Service Company DBA Concord Mortgage Group, its successors and

assigns to JPMorgan Chase Bank, National Association, dated February 27, 2015. The transfer is evidenced by the document attached to this Motion as Exhibit D.

- b. from JPMorgan Chase Bank, National Association to Federal National Mortgage Association, its successors and assigns, dated April 11, 2016. The transfer is evidenced by the document attached to this Motion as Exhibit E.
7. The value of the Property is \$109,190.00. This valuation is based on the Fairfield County Auditor's tax record which is attached as Exhibit F.
8. As of February 14, 2017, there is currently due and owing on the Note the principal balance of \$88,271.55, plus interest accruing thereon at the rate of 5.250% per annum from July 1, 2015.
9. Other parties known to have an interest in the Property are as follows:
 - a. the Fairfield County Treasurer, in an unknown amount;
 - b. Capital One is believed to be the holder of a judgment lien on the Property with an approximate payoff of \$4,459.53 per Debtor's Schedule D.Attached as Exhibit G is Debtor's Schedule D.
10. The balance on Creditor's first mortgage together with Debtor(s) claimed exemption(s) exceed the value of the Property. Based upon the lack of equity in the Property, Creditor asserts that the Property is burdensome and/or of inconsequential value and benefit to the estate.
11. The Creditor is entitled to relief from the automatic stay under 11 U.S.C. § 362(d)(1) and/or 362(d)(2) for these reason(s):
 - a. Debtor has failed to provide adequate protection for the lien held by the Creditor for the reasons set forth below.
 - b. Debtor has failed to make periodic payments or had made partial payments to Creditor for the months of August 1, 2015 through February 1, 2017, which unpaid payments less any funds being held in suspense are in the aggregate amount of \$13,424.29. The total provided in this paragraph cannot be relied upon as a reinstatement quotation.

- c. Debtor intends to surrender the Property located at 219 Park Street, Lancaster, OH 43130 according to the Statement of Intent filed.
- 12. Creditor has completed the worksheet attached as Exhibit H.
- 13. This Motion does not seek to affect the rights of the Chapter 7 Trustee.

WHEREFORE, Creditor prays for an Order from the Court granting Creditor relief from the automatic stay of 11 U.S.C. § 362 of the Bankruptcy Code to permit Creditor to proceed under law and for such other and further relief to which the Creditor may be entitled.

Respectfully submitted,

/s/ Adam B. Hall

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Attorneys for Creditor
The case attorney for this file is Adam B. Hall.
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NOTICE OF MOTION

Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America has filed papers with the court to obtain relief from stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

Clerk of the United States Bankruptcy Court
170 North High Street
Columbus, OH 43215

OR your attorney must file a response using the court's ECF system.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

Manley Deas Kochalski LLC, Attention: Adam B. Hall, P.O. Box 165028 Columbus, OH 43216-5028

Office of U.S. Trustee, Southern District of Ohio, Party of Interest, 170 North High Street, #200, Columbus, OH 43215

David M. Whittaker, 100 South Third Street, Columbus, OH 43215
dwhittaker@bricker.com

Wendi Henderhan, Attorney for Christine L Lang, 6649 N. High St., Suite 106, Worthington, OH 43085
WHenderhanlaw@gmail.com

Christine L Lang, 1570 E. Main Street, Lot 11, Lancaster, OH 43130

Fairfield County Treasurer, 210 East Main Street, Lancaster, OH 43130

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Relief from Stay on First Mortgage for Real Property Located at 219 Park Street, Lancaster, OH 43130 was **electronically** through the court's ECF System at the email address registered with the court:

Office of U.S. Trustee, Southern District of Ohio, Party of Interest, 170 North High Street, #200, Columbus, OH 43215

David M. Whittaker, 100 South Third Street, Columbus, OH 43215, dwhittaker@bricker.com

Wendi Henderhan, Attorney for Christine L Lang, 6649 N. High St., Suite 106, Worthington, OH 43085, WHenderhanlaw@gmail.com

and by ordinary U.S. mail on February 27, 2017 addressed to:

Christine L Lang, 1570 E. Main Street, Lot 11, Lancaster, OH 43130

Christine L Lang, 219 Park Street, Lancaster, OH 43130

Fairfield County Treasurer, 210 East Main Street, Lancaster, OH 43130

Capital One, PO Box 30285, Salt Lake City, UT 84130

/s/ Adam B. Hall

Adam B. Hall